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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

33 PECK SLIP ACQUISITION LLC, *et al.*¹

Debtors.

Chapter 11

Case No. 15-12479

(Jointly Administered)

**NOTICE OF (A) EFFECTIVE DATE FOR GEMINI 37 WEST 24TH STREET MT, LLC
AND (B) DEADLINES FOR FILING CERTAIN CLAIMS AGAINST
GEMINI 37 WEST 24TH STREET MT, LLC**

TO ALL PARTIES IN INTEREST:

PLEASE TAKE NOTICE that, on November 30, 2015 (the “**Confirmation Date**”), at 2:00 p.m., before the Honorable James L. Garrity, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”), Courtroom 601, One Bowling Green, New York, New York

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: 33 Peck Slip Acquisition LLC (3412), 52 West 13th P, LLC (4970), 36 West 38th Street, LLC (6842), and Gemini 37 West 24th Street MT, LLC (4143).

10004, the Bankruptcy Court confirmed the Debtors' First Amended Joint Liquidating Plan Dated December 2, 2015 [Docket No. 195] (the "**Plan**") that was filed by 33 Peck Slip Acquisition LLC, 36 West 38th Street LLC, Gemini 37 West 24th Street MT, LLC, and 52 West 13th P, LLC (collectively, the "**Debtors**") in the above-captioned jointly-administered chapter 11 cases (the "**Chapter 11 Cases**"). A final order of the Bankruptcy Court [Docket No. 200] (the "**Confirmation Order**") confirming the Plan was entered on December 8, 2015 (the "**Confirmation Date**").

Among other things, the Plan provides that each of the Debtors will be selling their real estate assets and distributing the cash proceeds to creditors and then members in order of priority on, or as soon as practicable after, the Effective Date for each Debtor. The Effective Date of the proposed Plan for each Debtor will depend on when the sale of that Debtor's real estate assets is consummated.

**THE EFFECTIVE DATE FOR GEMINI 37 WEST 24TH STREET MT, LLC
HAS OCCURRED**

PLEASE TAKE FURTHER NOTICE that Gemini 37 West 24th Street MT, LLC has satisfied the conditions precedent to effectuate the Plan, and the Plan is deemed "effective" as of February 29, 2016 (the "**Effective Date**"). Pursuant to the Plan and the Confirmation Order, all provisions of the Plan with respect to Gemini 37 West 24th Street MT, LLC are now effective and binding, including the following provisions:

(1) **Assets Vested Free and Clear.** All property of Gemini 37 West 24th Street MT, LLC's estate is now vested in the Reorganized Debtor free and clear of all claims, liens, encumbrances, charges, and other interests, except as otherwise set forth in the Plan.

(2) **Plan Binding.** With respect to Gemini 37 West 24th Street MT, LLC, the provisions of the Plan and the Confirmation Order are binding upon (a) Gemini 37 West 24th Street MT, LLC and its estate, (b) all Holders of Claims against or Interests in Gemini 37 West 24th Street MT, LLC, (c) each person or entity acquiring property of Gemini 37 West 24th Street MT, LLC, (d) any other party in interest, (e) any person or entity making an appearance in the chapter 11 case filed by Gemini 37 West 24th Street MT, LLC, and (f) each of the respective heirs, successors, assigns, trustees, executors, administrators, affiliates, officers, directors, agents, representatives, attorneys, beneficiaries, or guardians of any of the foregoing.

(3) **Injunction.** Except as provided in the Plan or the Confirmation Order, from and after the Effective Date for Gemini 37 West 24th Street MT, LLC, all Persons that have held, currently hold, may hold, or allege that they hold, a Claim, Interest, obligation, suit, judgment, damage, demand, debt, right, cause of action, or liability against Gemini 37 West 24th Street MT, LLC, that is satisfied in full under the Plan, along with their respective current and former employees, agents, officers, directors, managers, principals, affiliates, shareholders, and members, are permanently

enjoined from taking any of the following actions against Gemini 37 West 24th Street MT, LLC, the Reorganized Debtor and the applicable Exculpated Parties, and their respective agents, officers, directors, managers, employees, representatives, advisors, attorneys, affiliates, shareholders, or members, or any of their successors or assigns or any of their respective property on account of any such satisfied Claim, obligation, suit, judgment, damage, demand, debt, right, cause of action, liability or Interest: (i) commencing or continuing, in any manner or in any place, any action or other proceeding; (ii) enforcing, attaching, collecting, or recovering in any manner any judgment, award, decree, or order; (iii) creating, perfecting, or enforcing any Lien or encumbrance; (iv) asserting a setoff, right of subrogation, or recoupment of any kind against any debt, liability, or obligation due to any released Person; or (v) commencing or continuing any action, in each such case in any manner, in any place, or against any Person that does not comply with or is inconsistent with the provisions of the Plan or the Confirmation Order.

UPCOMING DEADLINES FOR FILING CLAIMS

PLEASE TAKE FURTHER NOTICE of the following deadlines set forth in the Plan for filing certain Claims against *Gemini 37 West 24th Street MT, LLC*:

(1) Pre-Effective Date Administrative Claims. Other than Holders of (a) Administrative Claims for U.S. Trustee Fees and any applicable interest thereon, (b) Professional Fee Claims, (c) Administrative Claims that were Allowed on or before the Effective Date (including any Administrative Claims of SBNP I BOA LLC, as successor-in-interest to SBNP SIA Mortgage I LLC governed by a final cash collateral order), (d) Administrative Claims incurred and payable in the ordinary course of Gemini 37 West 24th Street MT, LLC's business, (f) Administrative Claims asserted by a governmental unit, and (g) Administrative Claims held by current officers, directors, managers or employees for indemnification, contribution, or advancement of expenses pursuant to (1) an operating agreement or similar organizational document, or (2) agreement approved by the Bankruptcy Court, all Holders of Administrative Claims shall file with the Bankruptcy Court and serve on the Reorganized Debtor proof of any unpaid Administrative Claim **on or before the 30th day following the Effective Date.**

(2) Professional Fee Claims. Each Professional requesting compensation pursuant to sections 330, 331 or 503(b) of the Bankruptcy Code for services rendered to Gemini 37 West 24th Street MT, LLC prior to the Effective Date shall file with the Bankruptcy Court and serve on the Reorganized Debtor an application for allowance of final compensation and reimbursement of expenses **on or before the 60th day following the Effective Date.**

(3) Claims From Rejection of Contracts and Leases. Pursuant to the Plan and the Confirmation Order, each Executory Contract and Unexpired Lease held by Gemini 37 West 24th Street MT, LLC is deemed automatically rejected in accordance

with the provisions and requirements of sections 365 and 1123 of the Bankruptcy Code as of the Effective Date unless, on or prior to the Effective Date, Gemini 37 West 24th Street MT, LLC served a notice of intent to assume and assign such Executory Contract or Unexpired Lease (collectively, the **Rejected Contracts**). Unless otherwise provided by an order of the Bankruptcy Court, any Claim arising from the Rejected Contracts must be filed by Holders of such Claims with the Bankruptcy Court and served on the parties entitled to notice under the Plan **no later than thirty (30) days after the earlier of (1) the Effective Date and (2) the effective date of such rejection**, subject to Gemini 37 West 24th Street MT, LLC's right, as the Debtor and Reorganized Debtor, to object thereto.

Any holder of a Claim identified above that does not file such Claim by the applicable bar date listed above **shall be forever barred** from asserting any such Claim against Gemini 37 West 24th Street MT, LLC, the Estate for Gemini 37 West 24th Street MT, LLC, the Reorganized Debtor, or their respective property.

Dated: New York, New York
February 29, 2016

ROBINS KAPLAN LLP

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